IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.545 OF 2006
IN
WRIT PETITION NO.1577 OF 2006

M/s.Neptune Enterprises
through its partner Sachin
M. Deshmukh ..Appellant.
(Orig.Resp. No.5)

Vs.

State of Maharashtra
through its Revenue &
Forest Department & Ors. ..Respondents.
(Orig.Plffs.)

Mr.A. Bookwalla, Senior Advocate i/b.Mr.Rajesh Shukla for the Appellant.

Mr.Ravi Kadam, Advocate General with Mr.Birendra Saraf for Respondent Nos.35 to 38.

Mr.V.A.Thorat, Senior Advocate i/b.Mr.A.R.Pande for Respondent Nos.1 to 34.

Mr.D.H.Mehta with Ms.Deepa Chavan i/b.Mr.P.C. Kansara for Respondent No.39.

Mr.N.V.Walawalkar, Senior Advocate for Respondent No.40.

Ms.Trupti Puranik for Respondent Nos.41, 42 and 43.

CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.
DATED: 10TH AUGUST, 2006

P.C. :

Heard the learned counsel for the Appellants and the learned counsel for the Respondents.

2. Mr.V.A. Thorat, the learned Senior Counsel appearing on behalf of Respondent Nos.1 to

34/Original Petitioners herein, categorically states that the Petitioners' claim is with regard to 22,341.90 sq. mtrs. only.

3. In view thereof, we make it clear that the ad-interim order passed by the learned Single Judge dated 28th June, 2006 will operate only with regard to the aforesaid 22,341.90 sq. mtrs.

4. We make it clear that all issues including the maintainability of the petition and all other contentions are kept expressly open.

5. It is clarified that the learned Single Judge will not be influenced by this order while hearing Writ Petition No.2103 of 2006 filed by Respondent No.40. We also clarify that we have not dealt with the merits of Respondent No.40 in this Appeal. It is open to Respondent No.40 to seek appropriate interim reliefs in the pending Writ Petition No.2103 of 2006.

6. The Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)